

## Message Text

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41

ACTION NEA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-01 INR-05 L-02

NSAE-00 NSC-05 PA-01 RSC-01 PRS-01 SP-02 SS-15

USIA-06 IO-10 OMB-01 AID-05 /069 W

----- 120214

R 150545Z NOV 74

FM AMCONSUL LAHORE

TO SECSTATE WASHDC 230

INFO AMCONSUL KARACHI

AMEMBASSY ISLAMABAD

AMCONSUL PESHAWAR UNN

LIMITED OFFICIAL USE LAHORE 1483

E. O. 11652: N/A

TAGS: PINT, PK

SUBJECT: GOVERNMENT APPEALS HIGH COURT DECISION ON  
INTERNEED BALUCH LEADERS

REF: LAHORE 1449

1. GOVERNMENT-CONTROLLED DAILY IMROZE NOV 12 CARRIED EXCLUSIVE ITEM REPORTING THAT FEDERAL AND PUNJAB GOVERNMENTS FILED APPEAL TO SUPREME COURT OF PAKISTAN PROTESTING LAHORE HIGH COURT TO BOTH GOVERNMENTS TO PRESENT INTERNEED BALUCH LEADERS FOR COURT EXAMINATION NOV 28 AT SIHALA (REFTEL). IN APPEAL, GOVERNMENTS CONTENTED THAT HIGH COURT MISINTERPRETED PREVIOUS SUPREME COURT RULING IN APPARENT BELIEF THAT SUPREME COURT HAD DETERMINED THAT LOWER COURT COULD NOT TAKE ANY DECISION OR ACTION IN PHYSICAL ABSENCE OF DETAINEES.

2. GOVERNMENTS FURTHER ASSERTED THAT IT WAS IMPERATIVE FOR HIGH COURT TO DECIDE FIRST WHETHER IT HAD JURISDICTION TO HEAR HABEAS CORPUS PETITION CONCERNING CASE.

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THEY MAINTAINED THAT DETENTION WAS NOT ILLEGAL SINCE

THERE WERE CASES REGISTERED AGAINST DETAINEES, AND ARGUED THAT THIS GAVE HIGH COURT NO JUSTIFICATION TO HEAR HABEAS CORPUS PETITION. SUPREME COURT IS SCHEDULED TO HOLD PRELIMINARY HEARING ON APPEAL ON NOV 20.

3. COMMENT: ALTHOUGH STORY HAS NOT APPEARED IN OTHER NEWSPAPERS, WE HAVE NO REASON TO DOUBT ITS AUTHENTICITY SINCE IMROZE IS PART OF GOVERNMENT-CONTROLLED NATIONAL PRESS TRUST SYSTEM. FURTHER, WE DOUBT THAT ANY LAHORE NEWSPAPER WOULD JEOPARDIZE ITSELF BY PRINTING ERRONEOUS INFORMATION CONCERNING GOVERNMENT OR SENIOR-MOST COURTS ON SUBJECT AS SENSITIVE AS THIS. AS FOR SUBSTANCE OF STORY, IT SHOULD BE NOTED THAT LAHORE HIGH COURT CHIEF JUSTICE IQBAL EXPLAINED TO CONSUL GENERAL AND DPO ON OCT 9 THAT HIS COURT, IN ITS HABEAS CORPUS POWER, HAD PRIMARY JURISDICTION NOT ONLY OVER LEGALITY OF DETENTION BUT ALSO OVER WELFARE OF INCARCERATED CITIZENS, AND COULD AT ANY TIME DEMAND THAT DETAINEES BE PRODUCED OR IN OTHER WAYS INQUIRE INTO THEIR WELL BEING AND ASSURE ITSELF AS TO PROPRIETY OF THEIR IMPRISONMENT.  
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## Message Attributes

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**Disposition Approved on Date:**  
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**Disposition Comment:** 25 YEAR REVIEW  
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